

## **REMARKS**

Applicant respectfully requests reconsideration and allowance of the subject application.

### **35 U.S.C. § 112**

Claims 59-67, 71 and 78-82 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. On page 3 of the August 12, 2005 Office Action, the Examiner states "The limitation 'wherein the financial management system is associated with a second financial institution' is not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor(s), at the time the application was filed, had possession of the claimed invention."

Applicant has amended claim 59 to recite "... the financial management system further identifying a second account balance associated with a second account, wherein the second account is associated with a second financial institution, the second financial institution being independent of the first financial institution...." Applicant submits that the language of amended claim 59 is clearly described in the specification.

Applicant respectfully requests that the §112 rejections be withdrawn.

**35 U.S.C. § 103**

Claims 59-67, 71 and 78-82 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,346,442 to Musmanno et al. (hereinafter "Musmanno"). Applicant respectfully submits that claims 59-67, 71 and 78-82 are patentable over Musmanno.

Musmanno discloses:

Data processing for an improved securities brokerage/cash management system supervises, implements and coordinates a margin securities brokerage account; participation in one or more short term money market or comparable funds; and subscriber-initiated use of electronically responsive subscriber identity credit/debit media and/or checking systems. Subscriber expenditures, effected as by "charge card" use, check and/or cash advance are applied on a hierarchal basis, seriatim, against the subscriber's free credit balance, short term investment and the lendable equity in his securities account. On a periodic basis, e.g., daily, received card charges, check, securities and deposit transactions for the ensemble of account participants are verified and employed to compute an updated credit limit for each subscriber. The transactional data is reviewed against predetermined norms to detect abuses such as check kiting. The short term investment position of each account is modified as necessary to permit money market or comparable earned yields on the account free credit cash balance. (Musmanno Abstract).

Applicant submits that the Musmanno reference fails to disclose or suggest the elements of claim 59. In particular, Musmanno does not disclose or suggest:

a processor-based financial management system identifying a first account balance associated with a first account, wherein the first account is associated with a first financial institution, the financial management system further identifying a second account balance associated with a second account, wherein the second account is associated with a second financial institution, the second financial institution being independent of the first financial institution, and wherein the financial management system obtains account information from the first and second accounts based on

information provided by an account holder rather than the first or second financial institution....

as recited in amended claim 59. In particular, Musmanno makes no reference to obtaining account information from both the first and second accounts based on information provided by an account holder. In contrast to the language of claim 59, Musmanno discloses the direct transfer of information between a first financial institution and a second financial institution based on information provided by the first or second financial institution. For example, Musmanno states at column 3, lines 12-20:

Beginning at the top of FIG. 1, the bank first transmits to the brokerage central processing unit a record of all transactional information for each of the system subscribers, together with subscriber identification. Thus, each entry will include a subscriber identification, and transactional information such as a transaction card charge or credit (e.g., credit for returned charged merchandise) or a check identification and amount (functional block 10).

Thus, Musmanno clearly states that the bank and the brokerage central processing unit exchange information (e.g., subscriber identification and transaction information) directly. Musmanno fails to disclose or suggest that a financial management system obtains account information based on information provided by an account holder rather than the first or second financial institution. Since Musmanno discloses a method of operation in direct contrast to the language of claim 59, the Musmanno reference fails to make any reference or suggestion regarding the operation described in claim 59.

Furthermore, Musmanno fails to disclose or suggest "transfer of funds from the first account to the second account" and "transfer of funds from the second

account to the first account”, as recited in claim 59. The Musmanno reference discloses the movement of funds from a bank to a brokerage house, but not vice versa. Thus, Musmanno discloses the transfer of funds in one direction, but not the reverse direction. For example, Musmanno states at column 2, lines 32-25, “By way of brief overall philosophy, charges created by the transaction card and checks drawn against the bank are accumulated by the bank and transmitted to the brokerage house.”

As such, Musmanno fails to disclose the transfer of funds in both directions as recited in claim 59. Musmanno further fails to suggest that funds can be transferred in both directions. Musmanno is clear that funds may be transmitted from the bank to the brokerage house. However, Musmanno makes no mention of moving funds from the brokerage house back to the bank. Further, Musmanno provides no reason for such a “reverse direction” transfer. Thus, Musmanno contains no suggestion to transfer funds in both directions, as recited in claim 59.


Accordingly, for at least these reasons, Applicant respectfully submits that claim 59 is patentable over Musmanno. Given that claims 60-67, 71, and 78-82 depend from claim 59, Applicant respectfully submits that those claims are likewise allowable over Musmanno for at least the reasons discussed above.

**Conclusion**

Claims 59-67, 71 and 78-82 are in condition for allowance. Applicant respectfully requests reconsideration and issuance of the subject application. Should any matter in this case remain unresolved, the undersigned attorney respectfully requests a telephone conference with the Examiner to resolve any such outstanding matter.

Respectfully Submitted,

Date: Feb. 13, 2006

By:   
Steven R. Sponseller  
Reg. No. 39,384  
(509) 324-9256 x250